1	TO THE HOUSE OF REPRESENTATIVES:			
2	The Committee on Human Services to which was referred House Bill No.			
3	690 entitled "An act relating to explanation of advance directives and treating			
4	clinicians who may sign a DNR/COLST" respectfully reports that it has			
5	considered the same and recommends that the bill be amended by striking out			
6	all after the enacting clause and inserting in lieu thereof the following:			
7	Sec. 1. 18 V.S.A. § 9701 is amended to read:			
8	§ 9701. DEFINITIONS			
9	As used in this chapter:			
10	* * *			
11	(21) "Ombudsman" means:			
12	(A) an individual appointed as a long-term care ombudsman under			
13	the program contracted through the Department of Disabilities, Aging, and			
14	Independent Living pursuant to the Older Americans Act of 1965, as amended			
15	the State Long-Term Care Ombudsman or a representative of the			
16	Ombudsman's Office, as defined in 33 V.S.A. § 7501; or			
17	(B) a representative of the agency designated as the Office of the			
18	Mental Health Care Ombudsman pursuant to section 7259 of this title.			
19	* * *			
20	(34) "Patient Mental health patient representative" means the mental			
21	health patient representative established by section 7253 of this title.			

1	Sec. 2. 18 V.S.A. § 9703 is amended to read:		
2	§ 9703. FORM AND EXECUTION		
3	* * *		
4	(b) The advance directive shall be dated, executed by the principal or by		
5	another individual in the principal's presence at the principal's express		
6	direction if the principal is physically unable to do so, and signed in the		
7	presence of two or more witnesses at least 18 years of age, who shall sign and		
8	affirm that the principal appeared to understand the nature of the document and		
9	to be free from duress or undue influence at the time the advance directive was		
10	signed. A health care provider may serve as a witness to the principal's		
11	execution of the advance directive under this subsection. If the principal is		
12	being admitted to or is a resident of a nursing home or residential care facility		
13	or is being admitted to or is a patient in a hospital at the time of execution, the		
14	individual who explained the nature and effect of the advance directive to the		
15	principal pursuant to subsection (d) or (e) of this section may also serve as one		
16	of the witnesses to the principal's execution of the advance directive under this		
17	subsection.		
18	* * *		
19	(d)(1) An advance directive shall not be effective if, at the time of		
20	execution, the principal is being admitted to or is a resident of a nursing home		
21	as defined in 33 V.S.A. § 7102 or a residential care facility, unless an		

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1	ombudsman, a patient representative, a recognized member of the clergy, an	
2	attorney licensed to practice in this State, or a Probate Division of the Superior	
3	Court designee one of the following individuals explains the nature and effect	
4	of an advance directive to the principal and signs a statement affirming that he	
5	or she has explained the nature and effect of the advance directive to the	
6	principal provided the explanation:	
7	(A) an ombudsman;	
8	(B) a recognized member of the clergy;	
9	(C) an attorney licensed to practice in this State;	
10	(D) a Probate Division of the Superior Court designee;	
11	(E) an individual designated by a hospital pursuant to subsection	
12	9709(d) of this title;	
13	(F) a mental health patient representative;	
14	(G) an individual who is volunteering at the nursing home or	
15	residential care facility without compensation and has received appropriate	
16	training regarding the explanation of advance directives; or	
17	(H) the principal's primary care clinician, if the clinician is not	
18	employed by the nursing home or residential care facility at the time of the	
19	explanation.	

1	(2) It is the intent of this subsection to ensure that residents of nursing		
2	homes and residential care facilities are willingly and voluntarily executing		
3	advance directives.		
4	(e) An advance directive shall not be effective if, at the time of execution,		
5	the principal is being admitted to or is a patient in a hospital, unless an		
6	ombudsman, a patient representative, a recognized member of the clergy, an		
7	attorney licensed to practice in this State, a Probate Division of the Superior		
8	Court designee, or an individual designated under subsection 9709(c) of this		
9	title by the hospital one of the following individuals has explained the nature		
10	and effect of an advance directive to the principal and signs a statement		
11	affirming that he or she has explained the nature and effect of the advance		
12	directive to the principal provided the explanation:		
13	(1) an ombudsman;		
14	(2) a recognized member of the clergy;		
15	(3) an attorney licensed to practice in this State;		
16	(4) a Probate Division of the Superior Court designee;		
17	(5) an individual designated by the hospital pursuant to subsection		
18	9709(d) of this title; or		
19	(6) a mental health patient representative.		
20	* * *		

1	Sec. 3. 18 V.S.A. § 9708 is amended to read:	
2	§ 9708. AUTHORITY AND OBLIGATIONS OF HEALTH CARE	
3	PROVIDERS, HEALTH CARE FACILITIES, AND RESIDENTIAL	
4	CARE FACILITIES REGARDING DNR ORDERS AND COLST	
5	(a) As used in this section, "clinician" shall have the same meaning as in	
6	section 9701 of this title and shall also include a duly licensed medical doctor,	
7	osteopathic physician, advanced practice registered nurse or nurse practitioner,	
8	or physician assistant who treated the patient outside Vermont and held a valid	
9	license to practice in the state in which the patient was located at the time the	
10	DNR/COLST was issued.	
11	* * *	
11 12	* * * Sec. 4. 18 V.S.A. § 9709(d) is amended to read:	
12	Sec. 4. 18 V.S.A. § 9709(d) is amended to read:	
12 13	Sec. 4. 18 V.S.A. § 9709(d) is amended to read: (d)(1) Each nursing home and residential care facility that chooses to use	
12 13 14	 Sec. 4. 18 V.S.A. § 9709(d) is amended to read: (d)(1) Each nursing home and residential care facility that chooses to use volunteers to explain to residents the nature and effect of an advance directive 	
12 13 14 15	 Sec. 4. 18 V.S.A. § 9709(d) is amended to read: (d)(1) Each nursing home and residential care facility that chooses to use volunteers to explain to residents the nature and effect of an advance directive as required by subsection 9703(d) of this title shall ensure that the volunteers 	
12 13 14 15 16	Sec. 4. 18 V.S.A. § 9709(d) is amended to read: (d)(1) Each nursing home and residential care facility that chooses to use volunteers to explain to residents the nature and effect of an advance directive as required by subsection 9703(d) of this title shall ensure that the volunteers have received appropriate training regarding the explanation of advance	
12 13 14 15 16 17	Sec. 4. 18 V.S.A. § 9709(d) is amended to read: (d)(1) Each nursing home and residential care facility that chooses to use volunteers to explain to residents the nature and effect of an advance directive as required by subsection 9703(d) of this title shall ensure that the volunteers have received appropriate training regarding the explanation of advance directives.	

1	Sec. 5. EFFECTIVE DATE	
2	This act shall take effect on passage.	
3		
4		
5	(Committee vote:)	
6		
7		Representative
8		FOR THE COMMITTEE

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